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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,221	08/19/2002	Sunao Takatori	2222 6090001	9612
26111 7590 08/05/2008 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
LE, CANH				
ART UNIT		PAPER NUMBER		
2139				
MAIL DATE		DELIVERY MODE		
08/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/070,221

**Applicant(s)**

TAKATORI ET AL.

**Examiner**

CANH LE

**Art Unit**

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-13 and 15-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 11-13 and 15-27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to the communication filed on 04/14/2008.

Claims 1-10 and 14 have been cancelled.

Claims 11-13, 15-18, and 20-21 have been amended.

Claims 22-27 have been added.

Claims 11-13 and 15-27 have been examined and are pending.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/2008 has been entered.

#### ***Response to Amendment***

The applicant's amendment filed 04/14/2008 necessitated the new ground(s) of rejection presented in this Office action. Therefore, applicant's arguments with respect to claims 11-13 and 15-27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 11-12, and 21 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 11** recites the limitation “the user” in line 4. There is insufficient antecedent basis for this limitation in the claim.

**Claim 12** recites the limitation “the user identification information” in line 1. There is insufficient antecedent basis for this limitation in the claim.

**Claim 21** recites the limitation “the user” in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 11, 17, 21 are rejected under 35 U.S.C. 103(a)** as being unpatentable over **Fukuo Taro** (JP 2000-76336) in view of **Wood et al.** (US 6,609,198 B1)

**As per claim 11:**

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Taro teaches a method, comprising:

(a) receiving a request for information from a service device regarding authentication of the user, wherein the request is in response to a transaction at the service device [Taro: par. [0024], “The electronic banking authorization system 1-7 receives each authentication request demand from two or more Electronic Commerce Technology Division service provider equipment 1-6. It has the function to perform authentication for electronic banking alone about a user, and functions as an authentication center intensively prepared to two or more Electronic Commerce Technology Division service providers” Electronic Commerce Technology Division service provider is known as a service device];

Taro does not explicitly teach:

(b) determining an authentication level required for the transaction based on a parameter of the transaction

(c) performing authentication of the user before completing the transaction when a first one of the authentication level is determined; and

(d) completing the transaction without authentication of the user when a second one of the authentication level is determined.

However, Wood teaches log-on service providing credential level change without loss of session continuity, wherein

(b) determining an authentication level required for the transaction based on a parameter of the transaction [Wood: Col. 3 lines 60-64; “The common log-on service obtains a first credential for the client entity, the authenticates the client entity thereby, and establishes a

**session having a first authentication level commensurate with authentication requirements of at least one of the information resources”].**

(c) performing authentication of the user before completing the transaction when a first one of the authentication level is determined [**Wood: Col. 3, lines 41-53**]; and

(d) completing the transaction without authentication of the user when a second one of the authentication level is determined [**Wood: Col. 3, lines 41-53**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method and system of Taro with the teaching of Wood to provide a single sign on mechanism that allows an entity to tailor its credentialing to an access requirement while maintaining a persistent session interface [**Wood, Col. 2, lines 60-62**].

**As per claim 17:**

This claim has limitations that are similar to those of claim 11, thus it is rejected with the same rationale applied against claim 11 above.

**As per claim 21:**

This claim has limitations that are similar to those of claim 11, thus it is rejected with the same rationale applied against claim 11 above.

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**Claims 12, 22, 23, 24 are rejected under 35 U.S.C. 103(a)** as being unpatentable over **Fukuo Taro** (JP 2000-76336) in view of **Wood et al.** (US 6,609,198 B1) and further in view of **Fukai Shuichi et al.** (JP 2000-92236).

**As per claim 22:**

The combination of Taro and Wood teach the subject matter as described in claim 11.

Taro further teaches the method of claim 11, wherein the authentication step comprises:

(a) transmitting to a device a second request for user identification information in response to receiving the first request [**Taro: par. [0012]; “A means to \*\*\*\*\* a user terminal through a public network based on this user identifier, and to receive the secrecy information of the user for electronic banking directly through this public network from a user terminal”**];

(b) receiving the user identification information from a user communications device [**Taro: par. [0012]; “A means to \*\*\*\*\* a user terminal through a public network based on this user identifier, and to receive the secrecy information of the user for electronic banking directly through this public network from a user terminal”**];

(c) comparing the user identification information and authentication information to generate comparison results [**Taro: par. [0078]; “Furthermore, in order that an electronic banking authorization system may perform his identification by calling back the Electronic Commerce Technology Division service user based on the subscriber information memorized by the database storage section, the Electronic Commerce Technology Division service provider side and the user side -- him -- necessity of the special authentication**

**equipment for identification cannot be carried out, but simple composition can perform his identification, and trouble generating of an unjust claim of the charge by a user's malpractice etc. can be prevented”]; and**

(d) using the comparison result for the authentication of the user, and when successful, completing the transaction [Taro: par. [0078]].

Taro and Wood do not explicitly teach a user terminal as a mobile communication device.

However, Schuichi teaches a mobile communication device which transmits a user ID to a host communications devices to a demand [Schuichi: par. [003]; **“A communication terminal transmits a user ID to a provider to the demand. A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously”; fig. 1, a communication terminal is a mobile device 100**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Taro and Wood by including the teaching of Schuichi to provide users with a means for safely and effectively performing authentication between a registered user and a service provider [Schuichi: abstract and par. [0003]].

**As per claim 12:**



The combination of Taro, Wood, and Schuichi teach the subject matter as described in claim 22.

Schuichi further teaches the method of claim 22, wherein the user identification information includes personal attributes of the user [Schuichi : par. [003]; “**A communication terminal transmits a user ID to a provider to the demand. A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously**”; fig. 1, **a communication terminal is a mobile device 100**].

**As per claim 23:**

This claim has limitations that are similar to those of claim 22, thus it is rejected with the same rationale applied against claim 22 above.

**As per claim 24:**

This claim has limitations that are similar to those of claim 12, thus it is rejected with the same rationale applied against claim 12 above.

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**Claims 13 and 25 are rejected under 35 U.S.C. 103(a)** as being unpatentable over **Fukuo Taro** (JP 2000-76336) in view of **Wood et al.** (US 6,609,198 B1) and further in view of **Fukai Shuichi et al.** (JP 2000-92236) and further in view of **Watanabe Schunichi** (JP 06-215009).

**As per claim 13:**

The combination of Taro, Wood, and Schuichi teach the subject matter as described in claim 22.

Taro, Wood, and Schuichi do not explicitly teach receiving from the service device information regarding current services provided.

However, Schuinichi teaches receiving from the service device information regarding current services provided [Schunichi: par. [005]; **“The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Taro, Wood, and Schuichi of the invention by including the step of Schunichi to provide a credit card transaction processing having capability of dealing with unjust dealings and exceeding the purchase limit [Schunichi: par. [005]].

**As per claim 25:**

This claim has limitations that are similar to those of claim 13, thus it is rejected with the same rationale applied against claim 13 above.

**Claims 15-16, 26, 27 are rejected under 35 U.S.C. 103(a)** as being unpatentable over **Fukuo Taro** (JP 2000-76336) in view of **Wood et al.** (US 6,609,198 B1) and further in view of **Watanabe Schunichi** (JP 06-215009).

**As per claim 15:**

The combination of Taro and Wood teach the subject matter as described in claim 11.

Taro and Wood do not explicitly teach wherein the authentication level is selected based on a comparison between past service provision history and the information regarding the current services provided.

However, Schunichi teaches the authentication level is selected based on a comparison between past service provision history and the information regarding the current services provided [Schunichi: par. [005]; “**The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer**”].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Taro and Wood by including the teaching of Schunichi to provide a credit card transaction processing having capability of dealing with unjust dealings and exceeding the purchase limit **[Schunichi: par. [005]]**.

**As per claim 16:**

Schunichi further teaches the method of claim 11, wherein the parameter is cost of service, services provision area, service provision frequency, or total sum of money for the services provided **[Schunichi: claim 1, claim 2; par. [005]; “The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”]**.

**As per claim 26:**

This claim has limitations that are similar to those of claim 16, thus it is rejected with the same rationale applied against claim 16 above.

**As per claim 27:**

This claim has limitations that are similar to those of claim 15, thus it is rejected with the same rationale applied against claim 15 above.

**Claims 18-19 and 20 are rejected under 35 U.S.C. 103(a)** as being unpatentable over **Fukai Shuichi et al.** (JP 2000-92236) in view of **Fukuo Taro** (JP 2000-76336) and further in view of **Wood et al.** (US 6,609,198 B1) .

**As per claim 18:**

Schuichi teaches a communications device, comprising:

(a) a receiver operable to receive, from a host computer, a request for information regarding authentication of a user [[at a service device, wherein the request is in response to a transaction at the service device ]] **[Schuichi : par. [003]; “the provider of whom connection was required demands transmission of a user ID from a communication terminal first. A communication terminal transmits a user ID to a provider to the demand”];**

(b) a storage device operable to store information regarding the authentication of the user **[Schuichi : par. [003]; “A communication terminal transmits a user ID to a provider to the demand”; It is inherent that communication terminal stores user ID in a memory before transmitting user ID to a provider];** and

(c) a transmitter operable to transmit information regarding the authentication of the user, stored in the storage device, to the host computer in response to receiving the request for information regarding the authentication of the user **[Schuichi : par. [006]-[007]; “Moreover,**

**invention according to claim 9 data in the information service equipment which transmits through a communication line to the attested communication terminal connection request from said communication terminal. It is characterized by having a terminal specific information receiving means to receive the terminal specific information which specifies the communication terminal concerned, and the authentication means which attests whether said connection request is recognized based on said terminal specific information which received”];**

(d) wherein the communications device is a mobile communications device [Schuichi : **fig. 1, box 100; par. [0010], cellular phone and land mobile radiotelephone].**

Schuichi does not explicitly teach a request for information regarding authentication of a user at service device, wherein the request is in response to a transaction at the service device.

However, Taro teaches teach a request for information regarding authentication of a user at service device, wherein the request is in response to a transaction at the service device [Taro: **par. [0024], “The electronic banking authorization system 1-7 receives each authentication request demand from two or more Electronic Commerce Technology Division service provider equipment 1-6. It has the function to perform authentication for electronic banking alone about a user, and functions as an authentication center intensively prepared to two or more Electronic Commerce Technology Division service providers”; Electronic Commerce Technology Division service provider is known as a service device].**

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the communication device of Schuichi by including the teaching

of Taro to provide users with a means for performing banking authentication while preventing leaking of secrecy information [Taro: par. 0011].

Schuichi and Taro do not explicitly teach,

(e) wherein the request for information is received before the transaction has completed when a first one of an authentication level is used for the transaction,

(f) wherein the request for information is received after the transaction has completed when a second one of an authentication level is used for the transaction.

However, Wood teaches log-on service providing credential level change without loss of session continuity, wherein

(e) the request for information is received before the transaction has completed when a first one of an authentication level is used for the transaction [Wood: Col. 3, lines 41-53],

(f) wherein the request for information is received after the transaction has completed when a second one of an authentication level is used for the transaction [Wood: Col. 3, lines 41-53].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the communication device of Schuichi and Taro with the teaching of Wood to provide a single sign on mechanism that allows an entity to tailor its credentialing to an access requirement while maintaining a persistent session interface [Wood, Col. 2, lines 60-62].

As per claim 19:

Schuichi further teaches the communications device of claim 18, wherein the transmitter is further operable to selectively transmit, to the host computer, information regarding the authentication of the user based on a type of authentication requested [Schuichi : par. [003]; “A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously”].

**As per claim 20:**

This claim has limitations that are similar to those of claim 18, thus it is rejected with the same rationale applied against claim 18 above.

***Conclusion***

The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

US 5724423 A to Khello; Robert Peter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Kristine can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2139

July 17, 2008

/Kristine Kincaid/  
Supervisory Patent Examiner, Art Unit 2139